

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION

STANDARD INSURANCE COMPANY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:04 CV 86 DDN
	)	
MAEBELLE WANDREY, et al.	)	
	)	
	)	
Defendants.	)	

**JUDGMENT**

Pursuant to the memorandum filed herewith,

**IT IS HEREBY ORDERED** that the motion of defendant Maebelle Wandrey for summary judgment (Doc. 94) is denied, that the motion of defendants Melissa Kimbrough, Aaron Wandrey, A.W.(I) and A.W.(II) for summary judgment (Doc. 79) is sustained, and that the motion of defendant Cater Funeral Home for summary judgment (Doc. 51) is sustained as follows:

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** as follows:

(a) the proceeds of insurance policy number 604201-A, issued by plaintiff Standard Insurance Company on the life of insured decedent Keith Wandrey be placed in a constructive trust for the benefit of beneficiaries Melissa Kimbrough, Aaron Wandrey, A.W.(I) and A.W.(II); and that none of the aforesaid insurance proceeds be paid out to Maebelle Wandry;

(b) on behalf of Melissa Kimbrough, Aaron Wandrey, A.W.(I) and A.W.(II) four-fifths of the funeral expenses claimed by Cater Funeral Home for the services rendered on account of decedent Keith Wandry, claimed in the amount of \$9,080.46; plus prejudgment interest thereon at 9 percent per annum as provided by Missouri law; plus interest thereon hereafter at the rate provided by 28 U.S.C. 1961; plus the reasonable attorney's fee of Cater Funeral Home, expended for the prosecution of its claim in this action, shall be paid from the fund previously deposited with the registry of the court after the Clerk deducts the court's administrative fee as required by law;

(c) counsel for Melissa Kimbrough, Aaron Wandrey, A.W.(I) and A.W.(II) shall, within 20 days of this date, advise the court of the person(s) or entity to whom the fund previously deposited with the registry of the court shall be conveyed by the Clerk of the Court;

(e) Cater Funeral Home, Inc., shall have 20 days from this date to file a written motion for the award of the aforesaid attorney's fee and related expenses; and

(f) the Clerk of the Court shall pay out the fund previously deposited with the registry of the court as hereafter ordered by the court.

  
DAVID D. NOCE  
UNITED STATES MAGISTRATE JUDGE

Signed on November 3, 2005.